Jena Gilman
Self
1480 SW 10th Street
North Bend WA 98045 (425) 765-6274
jfgilman@aol.com

I oppose the construction of reservoirs in the Crab Creek and Foster Creek Drainages. I was born in Yakima and raised in Moses Lake. I am intimately familiar with the areas that the agencies want to drown. And yes I was nurtured by the agriculture and other industries that power and irrigation projects permitted in the Columbia Basin. But ENOUGH IS ENOUGH! Let's learn to live with the status quo. We aren't going to bring back the salmon to the upper Columbia and we aren't going to recharge the Odessa aquifer. Let's begin to be realistic about conservation and sustainability. Are the agencies going to fill every drainage they can find in order to repair the damage of the reservoirs and dams already built? You are proposing to rob Peter to pay Paul. The State is hell-bent on the Black Rock project. But NO MORE!

Thank you

Jena Gilman

10/10/2006 10:24:00 AM

Frans Eykel
N/A
199 Ostervold Road
Cathlamet WA 98612 (360) 849-4254
franseykel@juno.com

Dear Derek
As you are probally aware of several proposed Liquefied Natural Gas(LNG)facilities on the Lower Columbia River Estuary with the Bradwood OR. facility leading the application process may I hereby submit may concerns related to water conservation management.

These facilities when under construction or in operation will use a termendous amount of water and will effect the water quality of the estuary. Following are amounts of water use from the NorthernStar EIS draft reports;
Ship ballast water 14mg/ship X 125 ships/yr = 1 750mgy
Ship cooling water (18hrs at dockside) 1 800mgy
Fire Suppression 4400gpmX60minutesXweekly = 13.7mgy
Wellwater during construction (3years) 13.4mgy
Hydrostatic testing of storage tanks 60.0mg
Wellwater for irrigation/sanitation 1.0mgy
They also will add 84.0mgy of treated vaporizers condensation water which has 10X the salinity of the water at this location. (0.04)

I have voiced my concern also in a letter to Brian Baird our US senators and our Governor.

Thank you for the opportunity to voice my concerns.

Frans Eykel

10/10/2006 11:46:00 AM

Carol Kriesel
WFOR
c1ricket@yahoo.com

Please take into account the following information regarding the proposed LNG regasification plant for Bradwood OR.

Ballast 14 mg/ship (x125)	1750 mg/yr*
Ship Cooling water (18 hrs. dockside)	1800 mg/yr
Vaporizer condensation 160 gpm (x60x24x3)	84 mg/yr
Fire suppression testing 4400 gpm	13.7 mg/yr
Well water useage (during construction)	13.4 mg/yr
Hydrostatic testing of storage tanks	60 mg/yr
Well water for irrigation/personal sanitation	1 mg/yr
Water total of river/well	3 722 101million gallons per year

This proposed plant of Northern Star is a total negative impact on the Lower Columbia.

10/10/2006 9:37:00 PM

Mark Peterson
Peterson Law Office
103 Palouse Street Suite 5
Wenatchee WA 98801 (509) 667-8097
markp@nwi.net

Dear DOE

I am an attorney who regulary provides general council to numerous municiple providers of potable and irrigation water in Chelan and Douglas Counties. I also have a practice dominated by water right transfer work and haver served on the Chelan County Water Conservancy Board. I those roles I have become intimately familiar with the needs of nearly every municipal entity purveying significant quantities of potable water in those two Counties. As these entities grow the only present practical method for them to aquire new water resource authority is to obtain irrigation rights and transfer them to municiple use.

I strongly urge the adoption of the policy that would allow waiver of instream flow restrictions on transfers or permits that shift consumptive use away from the critical period in July and August.

Conditioning such transfers and permits on instream flows in spite of the environmental benefits of such a shift is ridiculous and threatens the ability of municipal providers to continue provide for the health safety and welfare of thier constiutants.

11/9/2006 2:46:00 PM

James Hollingsworth
self
2508 So. Adams Rd.
Veradale WA 99037 (509) 999-7307
JLHOLLY@mac.com

I object to spending $200 million dollars on a speculation when there are many existing environmental projects that go unfunded. If we can spend $200 million on studies why can't we spend $1 million dollars a year to gain proper representation on the Basin Environmental Improvement Commission and protect the source of the Spokane River and Spokane's sole source aquifer? This is a political boondoggle pandering to a powerful agricultural industry.

This study is intended to find storage for water to meet demnads of over-allocated water rights. If a grand scheme of storage facilities were built there would still be a water shortage because the water would all be spoken for.

There is no such thing a "new" water. Conservation and the efficient use of what we have is the only way to meet demand. Every method of waste prevention should be implemented before public money is spent on storgae facilities.

If you make more of the existing water available to agriculture and industry they will simple expand to absorb the supply.

In regard to Hawk Creek the size and expence of the contemplated impoundment dam is outrageous. The public should not be insulted with such a wasteful allocation of tax dollars.

Perhaps this study should include the cost of the subsidy we are now providing to the farmers in the basin. This study should examine the real cost of water in the basin and recommend new rates that share the cost appropriatley. Why are we using expencive water to grow crops that are over-produced and uneconomical?

11/15/2006 10:08:00 AM

Kristi Scherger
WW Cty Watershed Plng
310 W Poplar Suite 201
Walla Walla WA 99360 (509) 524-2646
kscherger@co.walla-walla.wa.us

On behalf of the Walla Walla County Watershed Planning Department I have reviewed the Draft Programmatic EIS for the Columbia River Water Management Program.

Water availability is a very important issue for many communities and businesses in the Walla Walla valley. Any decisions regarding water diversions in the Columbia River basin will create impacts.

The CRWMP Draft EIS cites two areas as examples within the Walla Walla basin which are currently underway and are compliant with Walla Walla Watershed Plan.

Pump Exchange Funding has been made to the Confederated Tribes of the Umatilla Indian Reservation to support a Feasibility Study of a Pump Exchange Project.

Aquifer Storage

The City of Walla Walla evaluation of aquifer storage and recover (ASR)

Additional information referenced within the CRWMP Draft EIS regarding the Walla Walla valley is used only as a reference to sources of information.

Thank you for the opportunity to comment at this important stage of the Program.

11/15/2006 10:29:00 AM

Mark Peterson
see below
103 Palouse Street Ste.5
Wenatchee WA 98801 (509) 667-8097
markp@nwi.net

11/15/06 the City of Wenatchee East Wenatchee Water District Chelan County PUD Chelan County Douglas County City of Rock Island and Malaga Water District met pursuant to an interlocal agreement to create a forum for discussing and developing water resource policy. These entities discussed portions of the Draft EIS as it relates to their interests. While it is early in their process of determining the impacts and implications of the proposed policies of the EIS they wish to support the DOE in its efforts to facilitate a more refined management of water resources. These entities discussed and unanimously authorized me to make the following comments on behalf of the entities that they represent:

Section 2.2.1 Selecting Storage Projects. Ecology should aggressively pursue storage options that take advantage of peaks in the hydrograph.

Section 2.2.3 Funding Criteria. With the example of local success of the watershed planning efforts in the Entiat and Wenatchee River basins funding should focus on mitigation for permits authorizing out-of-stream beneficial use with some priority given to municipal uses.

Section 2.2.5 Conditioning Water Rights on Instream Flows. Ecology should waive the instream flow rule for new permits or change applications that shift consumptive demand away from the critical summer months. In other words a change application seeking to change irrigation to year-round municipal use should be permitted without a condition that makes the municipal water right interruptible during the winter months.

Section 2.2.7 Processing Voluntary Regional Agreements. As it relates to the Columbia River Ecology should amend the Hillis Rule to permit the processing and conversion of interruptible rights to non-interruptible rights "out of the order". This should be the primary focus before any consideration is given to processing new water rights that would presumably be non-interruptibl out of order even if the new water right is sought in furtherance of a VRA (unless the new water right otherwise qualifies to be taken out of order under existing rules and regulations).

Section 2.2.8 Defining "No Negative Impact" to Instream Flows. Since a definition of "major reach" is not provided it is difficult to compare the "same pool and downstream" option with the "same major reach" option. The depictions in Figure 6-2 are misleading and give the impression that "same pool and downstream" provides the most flexibility. Ecology is encouraged to consider combining these two options so that net water savings can be recognized anywhere upstream in the same major reach however that is ultimately defined and anywhere downstream of the net water savings.

Section 2.2.9 Defining the One Mile Zone. Ecology should strongly consider including the backwater areas as described in the draft EIS. Water rights need to be treated as consistently as possible. The possibility that some water right

owners that are subject to instream flows (WAC 173-563) would be excluded from the application of the Act would be inconsistent.
Section 2.2.10 Coordinating VRA Mitigation and Processing New Water Rights. Ecology should seek legislative authority to skip pending VRA applications so the applicant is not penalized if mitigation is not available.
Section 2.2.12 Funding Projects Associated with a VRA. It is our impression that VRA's are going to be pursued by entities that can afford to implement the Agreement like the Columbia-Snake River Irrigator's Association. While the general concept behind the VRA's is supported conservation project money should not be designated only for those applicants in a VRA. Some water right owners simply are not going to participate in or understand the VRAs (suspicion of DOE runs very high). Thus Ecology is encouraged to retain the flexibility to spend conservation project money on all projects that provide mitigation.
Section 2.2.13 Inclusion of Exempt Wells in Water Use Inventory. Whether or not exempt wells are included in the analysis is simply not as critical as the other matters identified above. However in order to support investment backed expectations including lenders realtors and builders exempt wells within one mile of the mainstem that have been installed since WAC 173-563 should not be subject to interruption. If the trade-off is to consider prohibiting future exempt wells unless they participate in mitigation then that seems like a logical trade-off (but perhaps beyond the scope of this EIS).

11/16/2006 4:13:00 PM

Jan Treecraft
self
1203 West 16th Avenue
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jaberspo@icehouse.net

When I hear of the possibility of a new dam being built I feel dismayed and discouraged. I also feel alarmed. My need here is for protection of existing wild areas including the health of the rivers themselves. My husband and I love to hike and camp. Eastern Washington offers many possibilities for these activities and also for the hunting and fishing that many of our friends engage in. We have friends who literally feed themselves through much of the year with the game they hunt themselves.

I feel a sense of urgency with regard to preserving our natural resources for generations to come. I want this preservation to be prioritized ABOVE any desire to stay at current levels of resource use. We use far more than is necessary at this time.

It is my belief that with conservation alone we can get by without any more dams and perhaps without some that we already have. Please refer to Leroy Brown's informative and hopeful work including his very up-to-date work "Plan B 2.0."

Thank you for this opportunity to respond. Please with the power that you have respond to the long-term needs of the populations of this area. Please act as fierce stewards of the natural world.

Sincerely,

Jan Treecraft

11/18/2006 3:46:00 AM

Suzi Hokonsoon
Many but grandchildren
1315 w woodside
Spokane WA 99208 (509) 326-2216
suzihokonson@yahoo.com

Please allow no more dams on the Columbia Basin Sustainable Agriculture is essential and the best use of land for the most and longest good. Voluntary aggreement to rules is not effective and not inforcable.

Thanks

Suzi

11/18/2006 1:33:00 PM

Jason Duba
Faith & Enviro. Network
2612 W. Gardner
Spokane WA 99201 (509) 325-3071
jasonduba@gmail.com

I am writing to you as a Christian young man who feels strongly about the need for sound conservation policy. I am concerned about some plans for use of the Columbia River.

I urge you not to build new dams at Foster Creek in Douglas County Sand Hollow and Lower Crab Creek in Grant County and especially Hawk Creek in Lincoln County.

I am concerned that construction of these dams would lead to the loss of thousands of acres of prime wetlands and shrub-steppe habitat. These habitats are critical for several endangered species including the pigmy rabbit sage grouse and spotted leopard frog.

I am also concerned about claims that water stored behind these dams would be available for salmon augmentation flows and would ultimately help in salmon recovery efforts. However water stored in these reservoirs could actually cause more problems with high water temperatures and sedimentation issues due to constant filling and emptying of the reservoirs.

I am concerned that water stored through the construction of these dams would be allocated on a 1/3 to 2/3 basis. Only 1/3 of stored water would be made available for salmon recovery efforts. The remaining 2/3 would be used for out-of-stream uses such as industrial development community water supply agriculture irrigation and changing interruptible water rights to uninterruptible water rights. I think this could lead to problems in dry years and for downstream users.

Additionally expanding the scope of the Columbia Basin Irrigation Project poses some problems. Instead of additional canal construction and water diversion please focus on conversion of irrigated crops to dryland farming. Please work on strict water conservation programs. Currently canals within the Columbia Basin are unlined and uncovered. This results in water being lost to evaporation and seepage of water into the ground. If these canals were lined and covered around 90% of the water would reach its intended destination. Currently only 40% to 60% reaches its destination. Another conservation strategy would be to move from flood irrigation to drip irrigation.

Finally I would like to caution against further draw downs on Lake Roosevelt. An additional 2 foot draw down could expose heavy metal laden sediment to people that recreate on the lake. This draw down would also expose the sediment to

winds that could pick up the heavy metal laden sediment and deposit it in other locations. Another major problem would be the exposure of cultural sites along the banks of Lake Roosevelt which are currently flooded to looters.

Additional water withdrawals from the Columbia River CANNOT CONTINUE. Water from the Columbia River has already been over allocated. Hydroelectric power production irrigation industry and communities all take water from the Columbia River. If additional water is taken from the river there will be continued degradation to the river.

If the current pending water rights are granted through this program it is very possible that we will be in the same situation further down the road. There will always be a demand for water from the Columbia River and dam construction is not the way to supply that demand. We must move towards a sustainable economy that doesn't rely on Columbia River water for all of our water demands.

11/19/2006 1:04:00 PM

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November 20 2006

Derek Sandison
Department of Ecology CRO
15 W. Yakima Ave. Suite 200
Yakima WA 98902-3452 6

RE: Columbia River Draft EIS Comments

This letter constitutes the comments of the Northwest Pulp and Paper Association (NWPPA) on the Columbia River Water Management Program Draft programmatic Environmental Impact Statement (EIS).

NWPPA represents pulp and paper manufacturers in Washington Oregon and Idaho. NWPPA has member facilities located on the Columbia River in all three states: Potlatch in Lewiston; Boise at Wallula WA and St Helens OR; Georgia-Pacific at Camas WA and Wauna OR; Weyerhaeuser at Longview WA; and Longview Fibre also in Longview.

Our industry follows the Columbia River Management Program with interest and shares concerns of other river uses for maintaining a full and viable use of the river for water resources and transportation while maintaining a healthy environment. We look forward to your evolving progress and realize the EIS is just the first of many steps.

NWPPA has several concerns regarding the EIS discussion of water quality. This section is does not accurately reflect the temperature water quality regime and also does not adequately position the potential temperature impacts for the purposes of broad policy making.

1. Effect of off-channel storage systems on the temperature regime of the Columbia is not addressed by the EIS

Any project alternative evaluating the feasibility of large off-channel storage systems in the Columbia Basin must evaluate the potential impacts of solar

heating on these reservoirs and what warmer waters will mean for the Columbia River. The EIS is curiously silent on this entire topic.

Nevertheless it is well known that the existence of impoundments behind the dams on the Columbia River creates a situation where a greater water surface area is exposed to solar heating and as a consequence dams have the potential to raise the temperature of the river several degrees over the natural system potential. The effect is not only greater warming of the river but there is also a shift in the temperature regime seasonally and this has implications for migrating anadromous fish. The EIS needs to evaluate the impact of additional impoundments on temperature of the river relative to return flows.

2. The EIS mis-characterizes the impact of point sources such as pulp and paper mills on heat loading this should be corrected.

Affected Environment Section 3.4.2 of Chapter 3.0 contains a description of surface water quality relative to temperature issues. The section references the effort by EPA the three Northwest States and Tribes to develop a TMDL report for temperature on the Columbia and Snake Rivers (P 3-24). The EIS then goes on to mis-characterize information in this draft version of this report by stating that

Water temperature can be elevated above natural background conditions by a number of human activities. Point sources such as municipal waste treatment plants or pulp and paper mills discharge thermal energy directly to the river.

It is true that these point sources discharge warm treated effluent; however it is incorrect to imply that this causes a significant impact on water temperatures. The impact is insignificant and while modeling can be performed to a tenth or hundredth of a degree the effects are shown by field studies to be not measurable.

The work performed so far in the draft TMDL report indicates:

The effect of point sources on water temperature is very small and in and of themselves the point sources do not lead to exceedances of water quality standards when averaged in with the total flow of the river (p. 26 of draft report). The point sources can cause temperature plumes in the near-field but they do not result in measurable increases to the cross-sectional average temperature of the main stems. The dams do however alter the cross-sectional average of the mainstem. They increase the cross-section average temperature by as much as 5° C at John Day Dam in late summer and fall and they extend the periods of time during which the water temperature exceeds numeric temperature criteria (p. 28 of draft report).

These facilities cumulatively do not increase water temperature by more than 0.14°C (p. 37 of draft report).

In response to Ecology Industrial Section concerns that pulp and paper verify the preliminary results of the Columbia River temperature TMDL modeling the mills were requested to perform a two-year field study of water temperature upriver and down river of the mills. Parametrix conducted this effort in the summers of 2002 and 2003. Essentially the two-year monitoring study shows that there is virtually no discernable difference in water temperature of the receiving water upstream and downstream of the facilities.

The final report is available through a number of sources. Ecology's Industrial Section has the report on file. Also the information was submitted to Ecology as part of the 303(d) data call for the most recent listing of impaired waters. Conclusions of the report are cited in the interactive tool for the list of impaired waters. Lastly the report is available through NWPPA by request.

In sum the body of work performed to better understand temperature water quality issues for the Columbia indicates that impoundments such as dams contribute significantly to elevated temperatures; however point sources cumulative do not. This further underscore the first point in this letter that is important to evaluate the effects of new proposed impoundments on river temperatures to better inform policy decisions.

Thank you for your consideration of these comments.

Sincerely,

Llewellyn Matthews
Executive Director

11/20/2006 8:19:00 AM

Rachael Osborn
Columbia Institute
P.O. Box 9743
SpokaneWA
rdpaschal@earthlink.net

test

11/20/2006 9:15:00 AM

Jacqueline Halvorson
Jacqui Halvorson
3417 S. Division
Spokane WA 99203
jdih12@hotmail.com

We do not need to build more dams in the Columbia Basin. Can't you people learn anything from past mistakes?

There has been a mammoth discussion for the past ten years or more concerning the removal of Snake River and other dams in this region. I have personally spoken with retired employees of the US Army Corp of Engineers who said many of the dams in this region should have never been built because the costs far outweight the benefits.

I believe the same thing could be said for these proposed dams - the costs far outweigh the benefits.

I am asking that you do not construct another dam in this region. You need to be studying the removal of some of them instead.

Sincerely,

Jacqui Halvorson

11/20/2006 10:11:00 AM

Lynn Fackenthall Wells
self
5924 Homestead Way
Nine Mile Falls WA 99026 (509) 467-2571
lynnfwells@juno.com

Please do not consider creating more Dams. In Lake Spokane (created by Long Lake Dam in 1917) we have many issues with noxious weeds and sediment buildup. Creating a new Dam will further degrade the immediate area and the BENEFIT has not been shown to the majority of people adversely impacted.

11/20/2006 11:23:00 AM

Bart Haggin
bartmh4118@msn.com

I am sending you an article on the harmful effects of water storage to the environment. Global warming can be increased when large areas are flooded for water storage. Putting more water into the underground aquifir may be pratical in some areas but it is best to just pay off the people who have water claims and abandon further agricultural programs that require more water.

Your truly
Bart Haggin

Big Hydro's role in global warming - Patrick McCully
Friday November 17 2006
It comes as a surprise to most people but the reservoirs behind the world's dams are likely a major source of global warming pollution. In the case of big reservoirs in the tropics -- where most new dams are proposed -- hydropower can actually emit more greenhouse gases per kilowatt-hour than fossil fuels including dirty coal.

Climate change scientist Philip Fearnside estimates that hydro projects in the Brazilian Amazon emit at least twice as much greenhouse gas as coal plants. The worst example studied Balbina Dam had a climate impact in 1990 equal to an astonishing 54 natural gas plants generating the same amount of power according to Fearnside.

How is this possible? When a big dam is built its reservoir floods vast amounts of carbon in vegetation and soils. This organic matter rots underwater creating carbon dioxide methane and in at least some cases the extremely potent warming gas nitrous oxide. While emissions are particularly high in the first few years after a reservoir is filled they can remain significant for many decades. This is because the river that feeds the reservoir and the plants and plankton that grow in it will continue to provide more organic matter to fuel greenhouse gas production.

Some of the emissions bubble up from the reservoir's surface. The rest occur at the dam: When methane-rich water jets out from turbines and spillways it suddenly releases most of its methane just like the fizz from a newly opened bottle of Coke. While the scientists working in the field agree on the emissions from reservoir surfaces there is a heated dispute between industry-backed and independent researchers on the amount of gases released at dams. Accounting for these "fizz" emissions greatly increases estimates of the global-warming impact of hydropower. It is not surprising that the hydropower industry is alarmed that it would be considered another global-warming culprit. In the coming green economy energy technologies with the lowest greenhouse-gas emissions will dominate. There's a lot of money to be made in this energy

transformation and the Big Hydro lobby is pushing hard to be seen as climate-friendly. Canadian and Brazilian hydro interests dominate funding for reservoir emission science and have tried hard to control the interpretation of the results. In Canada industry giant Hydro-Quebec has cut funding to scientists whose work was leading to conclusions the utility considered inconvenient. Hydro-Quebec also tried unsuccessfully to pressure a scientific journal (Lakes and Reservoirs Management) into not publishing an article by these scientists.

In hydropower-dependent Brazil the hydro utilities and government have backed a group of scientists who Fearnside charges have "made a career out of trying to prove me wrong." The industry-backed scientists accuse Fearnside a rigorously independent researcher of being seduced by the "lures" of the fossil fuel and nuclear lobbies.

Fearnside's findings were supported in a recent editorial in the scientific journal Climatic Change written by Danny Cullenward and David Victor from Stanford University. Cullenward and Victor criticize the hydro industry's control of the reservoir emissions research agenda and call for an independent analysis of the data and their interpretation by the U.N.'s Intergovernmental Panel on Climate Change (IPCC). This is an eminently sensible suggestion.

Given the high stakes -- the billions of dollars that will be directed to reducing climate change and the importance that these investments be as effective as possible -- it is vital that decisions on climate policy are not made based on evidence produced by self-interested industry lobby groups. This is why an independent review of reservoir emission science is essential. Only the IPCC has the resources and reputation needed to clear the fog of confusion created by the hydro industry and its control of the reservoir emissions research agenda.

Patrick McCully is the executive director of the International Rivers Network a Berkeley-based nonprofit organization that protects rivers and defends the rights of communities that depend on them. IRN opposes destructive dams and the development model they advance.

Page B – 11 URL:
http://sfgate.com/cgibin/article.cgi?file=/c/a/2006/11/17/EDG6ELJ3U01.DTL

11/20/2006 1:30:00 PM

Beatrice Lackaff
citizen
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beala@icehouse.net

Thank you for the opportunity to express my opinion on the Programmatic Environmental Impact Statement for the propsed new dams in the Columbia River Water Management Program.

I think building huge vastly expensive new dams on these side canyons of the Columbia River is a terrible idea. I think the PEIS is inadequate to actually consider basin wide impacts compared to questionable at best benefits and does not truthfully identify the few for whom there is any real benefit at all.

Specifically:
We must not sacrifice these beautiful canyons which have considerable varied native habitat wildlife and recreational value. They should not be detroyed inundated or developed. This habitat is already rare harboring threatened species of plants and animals. These canyons provide a buffer for all of us to enjoy that protects us from turning our land into a faceless development.

Migrating salmon and other fish will have even less cold oxygenated water than than they do now. these dams would be another assault on our fisheries and other wildlife which we/they can not afford.

We the taxpayers would pay millions for construction costs higher utility bills with less water over the dams to subsidize the Project farmers and make all the farmers outside the project struggle to get by with less water higher taxes to support the subsidies for Project water users and then try and compete with subsidized Project crops. (See comments of WSU economist Norn Whitley before 1984 State Legislature.)

These dams won't create more water - they will just redistribute it. What about the folks who will losse water to the reservoirs?

Did those who wrote the PEIS read the State Water Inventory for 2005 or 2006 that summarizes therwill be LITTLE if any demand for new irrigated cropland in coming decades. This freport eliminates the case for these destructive and expensive dams.

This whole project smells of mindless development that would ultimately hurt all of us little guys and especially the family scale farmers to subsidize and benefit developers and industrial agriculture.

Don't sell us out - we don't want more dams on the Columbia.

Thank you.

Bea Lackaff
2018 W Bridge Ave
Spokane WA 99201

11/20/2006 11:51:00 PM

David McClure
Klickitat County
davem@co.klickitat.wa.us

Section S.2.1It states in the 2nd paragraph that VARs allow water users to enter into agreements with Ecology to exchange a package of conservation projects for new water rights or water right transfers. However the statute (RCW 90.90.130) does not require VARs to include conservation projects. The provisions of RCW 90.90.130(2) may be met by implementing conservation projects or potentially other means such as developing water storage projects.

The statute does not limit the VARs to agreements between Ecology and water users. For example Ecology could enter into a VAR with a watershed management partnership or lead agency for watershed planning. A VAR could be a mechanism for implementing obligations agreed to under RCW 90.82.130(3).

Section 2.1.2.1 Watershed planning under chapter 90.82 RCW is underway in many the water resource inventory areas (WRIAs) comprising the portion of the Columbia basin that is within the State of Washington. The EIS should note the role that an approved watershed plan has under RCW 90.82.130(4); i.e. Ecology shall use the plan as the framework for water resource management decisions and shall rely upon the watershed plan as a primary consideration in determining the public interest related to water resource decisions within the WRIA. This includes decisions pertaining to water storage within the WRIA.

Modification of existing storage facilities is discussed briefly on page 2-8. However new storage facility development and allocation of waters from new storage facilities are treated differently in the statute than modification or alteration of the operation of existing storage facilities. Two thirds of the funding in the Account is dedicated for projects supporting development of new storage facilities and the water from new storage facilities is apportioned by the statute 1/3 for instream and 2/3 for out-of-steam uses. Projects pertaining to modification or alteration of the operation of existing storage facilities compete for the remaining 1/3 of the funding in the Account with conservation and other actions designed to provide access to new water. New water resulting the modification or alteration of the operation of existing storage facilities is not apportioned by the statute 1/3 for instream and 2/3 for out-of-steam uses. Modification or alteration of the operation of existing storage facilities should be addressed separately from new storage facilities perhaps in section 2.2.

Section 2.1.2.2 Again the EIS should note the role that an approved watershed plan has under RCW 90.82.130(4); i.e. Ecology shall use the plan as the framework for water resource management decisions and shall rely upon the watershed plan as a primary consideration in determining the public interest related to water resource decisions within the WRIA. This includes decisions

pertaining to water conservation programs and water trust programs within the WRIA.

Conservation projects must provide access to new water supplies.

Agree conservation projects can be funded anywhere within the State of Washington portion of the Columbia River basin.

Section 2.1.2.3 RCW 90.90.030 enables Ecology to enter into VARS for the purpose of providing new water for out-of-stream use streamlining the application process and protecting instream flows. The statute does not require a package of conservation projects. The provisions of RCW 90.90.130(2) may be met by conservation projects or potentially other means such as developing water storage projects.

It states in the 2nd paragraph that VARs allow water users to enter into agreements with Ecology to exchange a package of conservation projects for new water rights or water right transfers. However the statute (RCW 90.90.130) does not require VARs to include conservation projects.

Agree VARs can be proposed anywhere within the State of Washington portion of the Columbia River basin.

Is the public interest test applicable to both surface water and ground water right permit decisions?

Section 2.1.2.4 This subsection informs that Ecology worked with consultants the State Conservation Commission and local conservation districts and Washington State University to develop the inventory and demand forecast. However there is no discussion of how Ecology must worked with interested county legislative authorities watershed planning groups and other parties specifically identified in RCW 90.90.040(1).

Section 2.2 Section 2.2.2 and 2.2.3 address conservation and discuss how conservation is one of the purposes for which one third of the funds from the account may be spent. There is no discussion of use of this portion of the funds for improvement or alteration of existing storage facilities or for other actions designed to provide access to new water supplies.

Section 2.2.1 Ecology should aggressively pursue storage options in order to implement the statute in a manner consistent with the direction the legislature's provided Ecology in RCW 90.90.005(2).

Section 2.2 This section should address modification or alteration of the operation of existing storage facilities.

Section 2.2.2 RCW90.90.010(4) states: Net water savings achieved through conservation measures funded by the account shall be placed in trust in proportion to the state funding provided to implement the project. The statute does not direct that the net water savings be placed in the State Trust Water Rights Program. The net water savings could be could be placed in a trust established and operated pursuant to a watershed management plan.

There is no indication in the statute that benefits of net water savings to instream flows should enter into determining net water savings. Net water savings from a project could include both consumptive and non-consumptive components. For example and industrial user might change production processes resulting in a reduction in both consumptive and non-consumptive water use. Both the consumptive and non-consumptive components must go into trust in proportion to the state funding provided to implement the process change and both must be available to fulfill the purposes of the trust. Where trust water is used to mitigate for out of stream uses those uses will likely have consumptive and non-consumptive components that could be satisfied by the trust.

Section 2.2.3 As stated in the comment on section 2.2.2 the statute does not direct that net water savings go into the State Trust Water Right Program. Where the conservation occurs within a WRIA subject to a watershed management plan approved under chapter 90.82 RCW Ecology should use the watershed plan as the framework for allocating net water savings among instream and out of stream purposes. In absence of a an applicable watershed plan net water savings should be used to mitigate for permits authorizing out-of-stream beneficial uses.

Section 2.2.4 In the first sentence of the first paragraph complete the sentence quoted from RCW 90.90.010(2)(a) because it is potentially significant that with specific legislative authority expenditures from the account can be made for acquisitions and transfers from one WRIA to another.

Section 2.2.6 Aggressively pursue VARs. As an example a watershed plan could include a VAR as a strategy to meet instream and out of stream water demand.

Section 2.2.8 Water withdrawal should be permitted to occur downstream of or anywhere in the same pool where the net water savings through conservation or water made available by action(s) to prevent negative impact on mainstem instream flows occur including in tributaries. Avoidance of negative impact to Columbia or Snake river mainstem instream flows during the specified months might be achieved through means other than conservation.

Section 2.2.9 Where in the statute does it limit VARs to enabling withdrawals/diversions from the mainstem of the Columbia River or Snake River only? The statute only says that VARs shall ensure water rights issued from the

Columbia River mainstem or lower Snake River mainstem not have a negative impact of the Columbia River mainstem or lower Snake River mainstem instream flows.

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